

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: OI7011443001
First Named Inventor: Juan R. Loaiza, et al.
Prior Application Information:
Serial No. 09/477,023
Examiner: Emerson C. Puente
Art Unit: 2184

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/477,023 filed
on January 3, 2000, by

**Juan R. Loaiza, Richard L. Frank, Joydip Kundu, Michael J. Cusson and
Dan O'Shaughnessy, entitled:**

**METHOD AND MECHANISM FOR RELATIONAL ACCESS OF
RECOVERY LOGS IN A DATABASE SYSTEM**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV348160530US
Express Mail Label No.

August 5, 2003
Date of Deposit

PA-52115178.1/2021039-7011443001

Linda Major

Name of Person Mailing Paper


Signature of Person Mailing Paper



I. APPLICATION ELEMENTS ENCLOSED

- 37 Page(s) of Written Description
3 Page(s) of Claims
1 Page(s) of Abstract
5 Sheet(s) of Drawings ☒ formal ☐ informal
8 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney
☒ Copy from prior application [37 CFR §1.63(d)]
☐ Newly executed
X Other: Title Page (1 pg.); Preliminary Amendment (7 pgs.); Fee Transmittal
- ☐ Assignment papers (cover sheet and documents(s))
☐ An Information Disclosure Statement, PTO 1449, ☐ with copies of cited items.
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

II. FEE CALCULATION

- ☐ Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:								\$750.00
Total Claims	31	-	20	=	11	x \$18.00	\$198.00	
Independent Claims	3	-	3	=	0	x \$84.00	\$0.00	
Multiple Dependent Claims	\$280	(if applicable) <input type="checkbox"/>					\$0.00	
TOTAL OF ABOVE CALCULATIONS								\$948.00
Reduction by ½ for Filing by Small Entity. <input type="checkbox"/>							\$0.00	
Misc. Filing Fees							\$0.00	
TOTAL FEES DUE HERewith								\$948.00

III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 USC § 119.
☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
☐ The certified copy will follow.

IV. AMENDMENTS

- ☒ Cancel in this application original Claims 1-14 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120

- ☒ Relate back information included in preliminary amendment or specification.
- ☐ Please insert the following:
 - ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
 - ☒ the same.
 - ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:
[Name(s) of inventor(s) to be deleted]

VI. METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of _____.
- ☒ Charge Bingham McCutchen's Deposit Account No. 50-2518, referencing billing no. 7011443001 in the amount of \$948.00.
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Bingham McCutchen's Deposit Account No. 50-2518, referencing billing no. 7011443001 for any overpayment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 50-2518:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☐ The power appears in the original papers in the prior application.
- ☒ The power does not appear in the original papers, but was filed by facsimile on July 9, 2003 in prior application Serial No. 09/477,023.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number **23639**:

BINGHAM McCUTCHEN LLP
Suite 1800
Three Embarcadero Center
San Francisco, CA 94111
(650) 849-4870

Please direct all inquiries to Peter C. Mei, at the above Customer Number.

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.


X. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,


BINGHAM McCUTCHEN LLP

Dated: 8-5-03

By: 
Erin C. Ming
Reg. No. 47,797

<h1 style="margin: 0;">FEE TRANSMITTAL FOR FY 2003</h1> <p style="margin-top: 10px;">Effective 01/01/2003. Patent fees are subject to annual revision.</p>		Complete if Known	
		Application Number	Not yet assigned
		Filing Date	August 5, 2003
		First Named Inventor	Juan R. Loaiza et al.
		Examiner Name	Not yet assigned
		Art Unit	Not yet assigned
TOTAL AMOUNT OF PAYMENT		\$948.00	Attorney Docket No. OI7011443001

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																																				
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: 50-2518</p> <p>Deposit Account Name: Bingham McCutchen LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee (\$)</th> <th>Small Fee Code</th> <th>Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>*Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>*Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Erin C. Ming	Registration No. (Attorney/Agent)	47,797
Signature		Telephone	(650) 849-4904
		Date	August 5, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PA:52115185.1/2021039-7011443001/OID-1999-045-01